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Summary of Administrative Review Board Proceedings for ISN 1052

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

The Presiding Officer announced the convening authority and purpose of the Administrative Review Board proceedings.

The Administrative Review Board members were sworn.

The Assisting Military Officer (AMO) was sworn.

The Presiding Officer asked the Detainee if he wishes to make a statement under oath. Muslim oath offered.

The Detainee declined taking the oath.

The Presiding Officer read the hearing instructions to the Detainee and confirmed that he understood.

The Assisting Military Officer presented the Enemy Combatant Notification form, Exhibit EC-A, to the Administrative Review Board.

The Assisting Military Officer presented the Enemy Combatant Election Form, Exhibit EC-B, to the Administrative Review Board.

Presiding Officer: Assisting Military Officer please read your comments from the Enemy Combatant Election Form.

Assisting Military Officer: The Detainee's Administrative Review Board interview occurred on 2 September 2005, and lasted 60 minutes. After a review of the Administrative Review Board's purpose and procedures, the Pashtu translated Unclassified Summary of the Evidence was read to the Detainee. When the Detainee was asked if he wanted to attend the Administrative Review Board, present a written or oral statement, or have the Assisting Military Officer speak on his behalf, he said he would attend the Administrative Review Board and address statements in the Unclassified Summary of Evidence as each point is presented. The Detainee was very cooperative and polite throughout the interview. The Detainee kept a copy of the Pashtu translated

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Unclassified Summary of Evidence for review and elected not to submit written comments regarding the Unclassified Summary of Evidence.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and Exhibits DMO-2 through DMO-3, to the Administrative Review Board.

The Designated Military Officer stated that a copy of these exhibits had been previously distributed to the Assisting Military Officer and Detainee.

The Presiding Officer noted from the Enemy Combatant Election Form that the Detainee wanted to respond to each item of information from the Unclassified Summary as it was presented.

The Designated Military Officer gave a brief description of the contents of the Unclassified Summary of Evidence, Exhibit DMO-1 to the Administrative Review Board to assist the Detainee with answering the statements.

Designated Military Officer: The Detainee was captured on 1 June 2003, along with four others, one of whom was a Saudi whose mission was to photograph Chapman and Salerno Bases for possible future attacks.

Detainee: I agree with the month and year. It was summertime. I was not captured with four people. I was captured with one friend, Rahmatullah. I disagree with the number of people and what they were doing.

Designated Military Officer: In late March 2003, Abu Layth al-Libi, an al Qaida facilitator, planned and coordinated a foiled reconnaissance mission to film the Salerno forward operating base and the villages surrounding the city of Khowst, Afghanistan.

Detainee: I don't know.

Designated Military Officer: Al-Libi is the al Qaida southern Afghanistan regional commander. He is responsible for operations in the areas of Khowst, Paktia and Ghanzni Provinces, to include Miram Shah, Pakistan. Al-Libi is a Libyan who specializes in explosive devices and guerilla warfare.

Detainee: I don't know him. I'm not aware.

Designated Military Officer: The Detainee had been provided with a Kalashnikov rifle, ammunition, and a military cargo belt.

Detainee: I didn't have military equipment. I had a gun, which I borrowed from a friend because I had a vendetta with some other guy. The belt is just a common belt in our area that everybody is wearing. I didn't have any military equipment.

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Board Member: Was the gun a Kalashnikov rifle?

Detainee: I don't know the name, but in our area the Kalashnikov is popular.

Board Member: And did the belt have ammunition?

Detainee: There were bullets inside the Kalashnikov, but I didn't see any on the belt.

Designated Military Officer: On the evening of 28 May 2003, al-Libi's group met with Abdul Rakhman and a student recruited from the Nazamia Madrassa at a house in the mountains near Naurak, Pakistan. The plan was for Rakhman to take the members of the team to Khowst, Afghanistan, so that they could film the airfield.

Detainee: I don't know al-Libi. I don't know Rakhman. I am not aware of them making films of these things.

Designated Military Officer: Abdul Rakhman is a known Arab al Qaida member who has been reported to operate in the Shahi Kowt area.

Detainee: I don't know him. I am not aware.

Designated Military Officer: The Nazamia Madrassa has been previously reported on for its affiliations with Afghanistan Anti-Coalition Militia. In March of 2003, this Madrassa was reported as being used by al Qaida, Taliban, and HIG personnel for training. It was cited as having been frequently visited by Jalaluddin Haqqani in 2002. Reports also indicate personnel from Nazamia Madrassa were, in the past, sent across the Afghan-Pakistan boarder to collect intelligence on United States and coalition forces in Khowst Province.

Detainee: I don't know. I am not aware.

Designated Military Officer: Gulbuddin Hikmatyar founded HIG as a faction of the Hizb-Islami party in 1977, and it was one of the major Mujahadin groups in the war against the Soviets. HIG has long-established ties with Usama Bin Laden. HIG has staged small attacks in its attempt to force United States troops to withdraw from Afghanistan, overthrow the Afghan government, and establish a fundamentalist state.

Detainee: I don't understand. I don't know this kind of talk. I'm just a small student of Madrassa.

Designated Military Officer: Jalaluddin Haqqani is the former Taliban Minister of Tribal Affairs and personal friend of Usama Bin Laden.

Detainee: I don't know him. I am not aware.

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Designated Military Officer: On 31 May 2003, two men from the Sinkay Madrassa joined the Detainee's group. The Detainee had met one of these men the previous Ramadan at the same Madrassa.

Detainee: I don't have any group. While I was going from Pakistan to my home, I met these two guys at the Sinkay Madrassa.

Designated Military Officer: Foreigners were conducting anti-coalition training at the Madrassa in Sinkay Village. Attacks against Afghan government posts were planned and based from the Madrassa. In May 2003, Afghan forces in Serabagh village captured three people who attended the Sinkay Madrassa.

Detainee: I am not aware of what is going on in that Madrassa. I met another student whose name is Azimullah. He is not planning anything against anybody. He is a student and is doing his own praying and studying.

Designated Military Officer: On the afternoon of 1 June 2003, three men, not including the Detainee, were asking people in the village of Kondee, which is east of Salerno, where Salerno is located. One of the men they asked was an Afghan Militia Force soldier. He did not answer them, but made his way to Salerno to inform his superiors.

Detainee: I am not aware of this.

Designated Military Officer: When he arrived at the burial ground near Salerno, Rakhman took the camera to begin filming. Shortly thereafter, shots rang out.

Detainee: I am not aware of who is filming or who is doing what. I am not aware.

Presiding Officer to Translator: Reread Paragraph c1, please.

Translator: Complied.

Detainee: I understand. I am not aware.

Presiding Officer: Now please reread Paragraph c2, please.

Translator: Complied.

Detainee: I am not aware. I don't know who they are.

Board Member: For clarification, the pronoun "he" refers to whom?

Designated Military Officer: The pronoun "he" is internal to the sentence and refers to Rakhman, not the Detainee.

Detainee: I don't know Rakhman.

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Designated Military Officer: When the AMF moved towards Kondee to investigate the three men asking questions about Salerno, the three men began firing on the AMF with AK-47s. All three were apprehended after a short firefight.

Detainee: I am not aware.

Designated Military Officer: The three men were brought to Salerno for questioning. They had one AK-47, one pistol, one ICOM radio turned to the Salerno security frequency, one set of binoculars, eight hand grenades, one small video camera. The men stated that there was another man near the Lakan Madrassa.

Detainee: I don't know these people. I don't know about the camera or this equipment they found. When I came from Pakistan to Khowst, Afghanistan, I borrowed a gun because of my hostility. He told me that when I want to give the gun back, to give it to a man named Salim.

Presiding Officer: Non-responsive to the question.

Board Member: Who told you to give the gun to Salim?

Detainee: The person that I borrowed the gun from.

Board Member: Does the person have a name?

Detainee: I don't know his name, but he was the driver of the car.

Presiding Officer: We will go back and get your statement. We are just trying to find out if the allegations are true or false.

Detainee: I understand.

Designated Military Officer: The AMF arrested two more men at the Madrassa with two AK-47s, bayonets, one set of binoculars, and a spare videocassette for the video camera. The Detainee was one of the two men captured at the compound. The Detainee was identified as someone who shot an AMF soldier in March.

Detainee: No, they didn't catch me with these things. I was sleeping. The soldiers came and they woke me up and said they wanted to ask questions. They didn't catch anything with me.

Board Member: What about the last sentence about shooting an Afghan soldier?

Detainee: That's drama. I haven't shot any soldier.

Presiding Officer: What is a drama?

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Detainee: That's a lie.

Board Member: Clarification, AMF is Afghan Militia Forces.

Presiding Officer: Did you shoot an Afghan soldier?

Detainee: No.

Designated Military Officer: The Detainee stated he supports the new Afghani government and fully believes America's presence with Afghanistan is important to achieving peace within his country.

Detainee: Yes, I said that.

Designated Military Officer: The Detainee claims he is not presently, nor has he ever been affiliated with al Qaida.

Detainee: I have no connection. I don't know them.

Designated Military Officer: This concludes the unclassified summary.

The Designated Military Officer confirmed that he had no further unclassified information and requested a closed session to present classified information relevant to the disposition of the Detainee.

The Presiding Officer acknowledged the request.

The Presiding Officer opened the Administrative Review Board to the Detainee to present information with the assistance of the Assisting Military Officer.

The Detainee made the following statement:

The whole allegation is nothing. These things are not in me. I haven't done these things. I am a small student of Madrassa. My mind does not understand these things. I can say now the truth of how I got caught.

The Presiding Officer further explained the meaning of taking an oath, and asked the Detainee if he wishes to make a statement under oath. Muslim oath offered.

The Detainee declined taking the oath.

The Detainee continued with the following statement:

When they captured me, they said I shot an American soldier, later on they said I shot an Afghan soldier. It is all about my personal vendetta. When I was going home in the vehicle, my enemy jumped in the car. He wanted to kill me or kidnap me. I found out

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that he is the one who killed my brother. He had a Kalashnikov and I was defenseless. He said that all my people are nothing and that nobody would ask about me if he killed me. I jumped on him and captured his gun. I started shouting that this man killed my brother and is trying to kill me. At that time, I didn't even notice that with God's help, his gun came into my hands. When he jumped on me to get his gun back, I got scared and shot him. I told him not to follow me. I understand that he got hit and I dropped the gun and started running.

Presiding Officer: Is this the Afghani soldier?

Detainee: I told you before; he was my enemy.

Presiding Officer: Different people?

Detainee: They said that I killed an American soldier; some said I killed an Afghan soldier. It's not true.

Board Member: This person that you are talking about now killed your brother?

Detainee: Yes. I did not kill him. I shot him.

Board Member: What about your brother?

Detainee: I have more information that this man had killed my brother.

Presiding Officer: Is he a soldier?

Detainee: No.

Board Member: Family feud.

Detainee: Then I went to Pakistan and I spent two months in one Madrassa. My family didn't know where I was, and my brother asked about me. Another student of the Madrassa told me that a guy was asking about me, stating that I was his brother and I was lost. I know that was my brother for sure, and I got the message to come back home; that we are going to make up with our enemy. When I found out that this man is my brother, then I asked my teacher if I could go home. I didn't tell my teacher that this man was asking for me. My teacher didn't know I had hostility or animosity with anybody. My teacher would not release me from the Madrassa because I entered school in the middle of the year. I told them that I came here because of the hostility and animosity and now the family is going to make up with our enemy, and that is why I am going back. Then the teacher let me go home. I left the books there and the rest of the story is in my dossier. When I left Madrassa, there was a vehicle. The teacher asked me if I had money. I had 200 rupees in my pocket that I gave to my teacher. The teacher gave it to the driver, and I started for home. I switched vehicles on the way from one to another; finally, the last one took me to a house. There was a guy named Haji, who took me

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another way so that my enemy could not find me. But at the end of the day, they took me to a house. I got out of the vehicle. I remember I drank tea. I believe Haji was the driver's brother. He told me that in the morning we would start again going to Khowst. In this house, there were two other people. In the morning, we went inside the vehicle. When we reached a point close to Khowst, we stepped out of the vehicle. I was scared that they would turn me into my enemy or kidnap me. So, I asked the driver if I could borrow his gun, and he said I could borrow it and when I get to Khowst I should give it back to Salim. When he gave me the gun, he told me to take the belt too. So then Salim said to come with him to Kondee and then I can go home. I went with him to Kondee. When I came back, I remembered I didn't give him the gun. This is the allegation that I was trying to answer and you said we would come back to this. I remember I was waiting for Salim to give him his gun back. So the allegations says the people started shooting. I don't know if you're talking about Salim. The allegations say there was a camera and a hand grenade and these things. I don't know about these things, if you're talking about Salim or somebody else.

Presiding Officer: You didn't see any other weapons with Salim or the two gentlemen that you met at the house?

Detainee: When we were coming from Pakistan, Salim had a gun. In our country, everybody carries guns. I went to the mosque to wait for Salim. I had no other choice but to stay overnight at the mosque. While I was asleep in the mosque, the soldiers captured me. They said they wanted to ask a few questions, and then now I'm here. They asked about al Qaida and Taliban and I don't know about that. I am a student who just went to Pakistan for two months and then came back to my home. The rest of the story has been in my dossier. I hope there is a possibility that you understand what I am talking about.

Presiding Officer: Yes, I understand.

Detainee: If I go back home, I will hold no grudge against anybody. I don't belong to any group. I am a student and I want to go to school.

Presiding Officer: Mr. Mahbub Rahman, does that conclude your personal statement?

Detainee: Yes.

The Assisting Military Officer had no further questions for the Detainee.

The Designated Military Officer had no further questions for the Detainee.

Administrative Review Board Member's questions:

Board Member: How close to the Salerno US base were you captured?

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Detainee: I haven't seen any American bases.

Board Member: Did you hear any gunfire that day?

Detainee: No.

Board Member: Were you a student in Pakistan?

Detainee: Yes.

Board Member: How did you support yourself in Pakistan?

Detainee: It's normal in Afghanistan and Pakistan for the small students to go to houses and collect brick and bring it inside.

Board Member: What are your feelings concerning jihad against the United States?

Detainee: I don't know jihad.

Board Member: What are your feelings concerning Bin Laden?

Detainee: I heard of him here, and before that, I just heard Usama, but that's all I know. I just heard the name.

Board Member: Did you ever fire the weapon that was given to you?

Detainee: No.

Board Member: Does your family know you're here?

Detainee: There are letters coming from my home, but I don't know if it's coming from Madrassa or my home.

Board Member: If released, how would you support yourself?

Detainee: If I'm released, I will study or do labor.

Board Member: How can we be sure that you will not take up arms against the United States if you return to Afghanistan?

Detainee: Because of this, for this reason: before I didn't take any arms against you and I will not take any arms against you again. I am a student of a Madrassa.

Board Member: When you were a student in the Madrassa in Pakistan, can you tell us what you were taught in terms of the Koran's belief about Islamic States? Should there be a pure Islamic State?

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Detainee: At the Madrassa, they taught us about how to pray and how to wash ourselves and tradition.

Board Member: Did they talk about the United States or American people or Jewish people or Christians?

Detainee: No. I am not aware.

Board Member: So, when you were at the Madrassa, food was given to you? You didn't have to work to make money; food and things like that were given to you?

Detainee: I didn't need money. When I was coming from Afghanistan I had an amount in my pocket.

Board Member: When you were in the Madrassa, did you work or was the only money you had what you brought from Afghanistan?

Detainee: I was not working because in the Pakistan Madrassa you don't need money.

Board Member: So, you already had the 200 rupees with you?

Detainee: When I came from my hometown in Afghanistan, I had money in my pocket.

Board Member: So, you gave this money to the Madrassa and he gave the money to the person who was driving him out of Pakistan?

Detainee: Yes.

Board Member: You changed vehicles more than one time?

Detainee: Two times.

Board Member: Same driver?

Detainee: For a short time, I rode in another vehicle, and then the first driver came back again.

Board Member: So, a different driver?

Detainee: Yes. In the other vehicle, the driver was different.

Board Member: How did you pay him?

Detainee: I don't remember how much I gave him, three or four or five rupees.

Board Member: So, you had more than the 200 rupees he gave the first driver?

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Detainee: Yes, around 100 more. When the teacher asked me, I gave him the money and then he gave me some and gave 200 to the driver.

Board Member: So, you had more than 200 rupees?

Detainee: Yes, it was more than 200.

Board Member: How much?

Detainee: I don't know how much. It was a long time ago.

Board Member: But you remember how much you gave the driver?

Detainee: Yes, I remember that was 200 rupees.

Board Member: So, you remember giving the driver 200 rupees the first time, and the second driver 100 rupees?

Detainee: No. I gave 200 to the teacher, and then the teacher gave 200 to the driver.

Board Member: But you still had more money?

Detainee: Less than 100.

Board Member: So, the teacher didn't give you back change, you just kept the extra money and only gave him 200?

Detainee: No. When the teacher asked me if I had money, I said yes. Then I gave him all the money. He took 200, gave it to the driver and gave me the rest.

Board Member: The rest was how much?

Detainee: I don't know.

Board Member: Less than 100?

Detainee: I don't know. It could be less than 100 or more than 100, I don't know.

Board Member: So, when you got to the last stop, you was going to have to walk?

Detainee: Yes. The driver stopped and said I had to walk for a while.

Board Member: So, now you are afraid to walk without a gun?

Detainee: Yes.

Board Member: So the driver said to take his weapon?

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Detainee: No, I asked him.

Board Member: So, you asked and he said sure?

Detainee: Yes. There was a little bit of talking, and one condition was to give the gun to Haji or one of these two people.

Board Member: The two people that were with you?

Detainee: Yes. They were walking with me.

Board Member: So you were to give the rifle to someone you were walking with?

Detainee: There was a cleaner and the driver and another person that were all coming to Khowst. The driver turned around and the rest of the people started walking with me.

Board Member: Walking toward Khowst?

Detainee: Yes.

Board Member: Toward your home?

Detainee: When I asked Salim where he was going, he was going to Khowst. I didn't know where the other two people were going.

Board Member: But you were walking to your home?

Detainee: Yes, I was going to my house.

Board Member: You decided not to go to your house and decided to go to this other place?

Detainee: No.

Board Member: So, this place you stopped and went to sleep was it a Madrassa?

Detainee: Mosque.

Board Member: So you stopped here on the way home?

Detainee: Yes.

Board Member: Was Salim with you at this time?

Detainee: Yes. Until this time, Salim was with me. He said he was going to Kondee.

Board Member: And you decided to wait for him?

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Detainee: I went with Salim.

Board Member: You went with Salim?

Detainee: I went with Salim from that place back home.

Board Member: Why did you go with Salim? Why didn't you just go home?

Detainee: Because if I told him I was going home and not going with him, I would have to give the gun back.

Board Member: I don't understand. You were with Salim; Salim said he was going to another place, and you said you would go with him?

Detainee: I was with Salim; Salim said he wanted to go to Kondee. I went with him to Kondee. From Kondee, I went back to my home.

Board Member: Where did you get captured?

Detainee: I slept in the mosque to give the gun back to Salim. I slept there and then they captured me.

Board Member: Why did you stay at the mosque? Why didn't you just leave the gun with somebody else to give to Salim and go home?

Detainee: Because he told me to give the gun to Salim and nobody else.

Board Member: So, the reason you're going to give this gun to Salim is because someone told you to give it to him. Why didn't you give it to him before?

Detainee: Salim was going back to Pakistan, so I waited for him in the mosque.

Board Member: Why wait? Why didn't you just give him the gun and go home?

Detainee: When we came to the mosque, Salim had another gun. He didn't carry his gun either. He went to Kondee to pray.

Board Member: I don't care what he did. I want to know why you didn't give him the gun when he was with you?

Detainee: Salim said, "Go with me to the Kondee, when we come back from Kondee, then you give me the gun."

Board Member: But you don't have to listen to him. You could've said I'm anxious to go home, here's your rifle.

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Detainee: Salim refused the gun, so the gun was on me because if something happened to it, I was the one to pay for it.

Board Member: Were you planning to go home after he came back and you gave him the gun?

Detainee: I planned that when Salim came back I would give him the gun and then I would go home. I couldn't give the gun to anybody until Salim came back. It was my responsibility. I cannot pay for it. I couldn't take the gun back to Pakistan to the other guy.

Board Member: So you asked to borrow a gun from somebody because you were afraid. Then, after you got to a certain spot away from your home, you were willing to leave the gun and go by yourself without the gun?

Detainee: Yes.

Board Member: Your enemy is not at this place that you were leaving?

Detainee: My enemy is in the mountain and on the road to my house.

Presiding Officer: Why was Usama in Afghanistan?

Detainee: I don't know who is where.

Presiding Officer: Why are the United States soldiers trying to find Usama Bin Laden?

Detainee: Before that, I didn't know, but now here some interrogators told me he attacked America.

Presiding Officer: You've never heard about Usama Bin Laden before 2003 when you were captured?

Detainee: Yes, I have heard the name Usama.

Presiding Officer: Tell me what you knew about him.

Detainee: I don't know anything.

Presiding Officer: You just heard a name and remembered a name without anything associated with it? That is odd.

Detainee: No.

Presiding Officer: You must've heard something?

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Detainee: I heard Usama is a man, but I don't know what he's doing or what he is all about.

Presiding Officer: When was the first time you saw an American soldier?

Detainee: I don't know when I have seen them, but there were a lot walking around Afghanistan.

Presiding Officer: Why were they there?

Detainee: People say they are building Afghanistan and they are paving the streets. We are very happy for freedom and for schools to be built and streets to be built, and happiness will come.

The Presiding Officer read the post-Administrative Review Board instructions to the Detainee and adjourned the open session of the Administrative Review Board.

The Presiding Officer reopened the Administrative Review Board because the Detainee requested to ask a question.

Detainee: What is the difference between transfer and release?

Presiding Officer: Release means you go free. Transfer means to be transferred from the prison here at Guantanamo Bay to your home country for further arrangements. The transfer agreements are not finalized. You may or may not qualify for transfer. Washington DC makes the final decision on transfer or release and you will be notified.


The Presiding Officer adjourned the open session of the Administrative Review Board.

The Presiding Officer opened the classified portion of the session.

The Presiding Officer adjourned the classified portion of the session and the Administrative Review Board was closed for deliberation and voting.

AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.


Colonel, USA
Presiding Officer

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